IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 11709 of 2005

Between:

S.Mangilal, S/o.Late Sampath Raj,
F.P.shop dealer, shop No.884, Circle-VIII, Risalabazar,
Bollaram, Secunderabad.

..... PETITIONER

AND

1 The Chief Rationing officer (City) Hyderabad
2 The District Supply officer, Hyderabad City, Near Anand Talkies, Secunderabad.
3 Smt.G.Shantha Kumari, W/o.Vijay Kumar, R/o.Bungalow No.15,

Opp.Sadanandi Bus Stop, Bollarum, Secunderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction preferably writ of mandamus declaring the order of the 1st respondent issued in the proceedings Rc.No.C1/63/2005 dt.27-1-2005 received by the petitioner on 7-5-2005 and also selection of the 3rd respondent as F.P.shop dealer is illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents 1 and 2 to continue the petitioner as F.P.shop dealer as usual and pass such other or further orders as this Hon'ble court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent Nos.1 & 2: GP FOR CIVIL SUPPLIES

The Court made the following :

ORAL ORDER:

The 3rd respondent herein, by the proceeding bearing Rc.No.B1/4888/2004, dated 28-12-2004, was provisionally selected as Fair Price Shop Dealer for Risala Bazar, Ward 5-4, in Circle-VIII, Hyderabad. The petitioner who was has been temporarily appointed as a Fair Price Shop Dealer by the proceedings Rc.No.B2/8480/99, dated 22-12-1999, for the aforesaid area, preferred an appeal before the 1st respondent against the provisional selection of the 3rd respondent. This appeal was rejected by the impugned proceedings of the 1st respondent dated 27-01-2005, on the ground that no appeal lies against the provisional selection. The learned Government Pleader states that the provisional selection doesn't entitle the 3rd respondent to function as a Fair Price Shop Dealer and that no supplies would be released in her favour on the basis of the provisional selection. In the circumstances, the petitioner is not aggrieved at present by the provisional selection of the 3rd respondent. As and when final selection orders are issued, the petitioner is at liberty to pursue his remedies.

On the above analysis, this Court finds no justification for interference with the order of the 1st respondent dated 28-12-2004. The writ petition is accordingly

dismissed. The petitioner, if aggrieved, is at liberty to pursue his appropriate remedies as and when final orders are issued by the 1st respondent or any other competent authorities appointing 3rd respondent as Fair Price Shop Dealer for Risala Bazar, Ward 5-4, in Circle-VIII, Hyderabad.

_____

7th June, 2005

To

1 The Chief Rationing officer (City) Hyderabad
2 The District Supply officer, Hyderabad City, Near Anand Talkies, Secunderabad.
3) 2 CCs to G.P. for Civil Supplies, High Court Buildings, Hyderabad.

1) 2 CD copies

*Form-NIC-OGS/WP{**JA**}*

THE HON'BLE MR. JUSTICE GODA RAGHURAM

W.P.No.11709 of 2005

Dated: 7th June, 2005